



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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1765

TC 1700

Group Art Unit: 1765  
Examiner: Terrence M. Mackey

In Re PATENT APPLICATION Of:

Applicant:	Kazutaka SHIBATA	)
Serial No.:	09/830,092	)
Filed:	June 27, 2001	)
For:	SEMICONDUCTOR DEVICE AND METHOD FOR MANUFACTURING THE SAME	) RESPONSE TO NOTICE OF NONCOMPLIANT <u>AMENDMENT</u>
Orig. Doc. No.:	ROH-037	)
New Doc. No.:	AI 264NP	)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the attached Notice of Non-Compliant Amendment dated August 19, 2003, applicant hereby submits the Amendment filed on August 7, 2003, in its entirety, including one sheet of corrected formal drawings, FIGs. 19 and 20 with "Replacement" noted at the top of the drawing page.

Respectfully submitted,

Steven M. Rabin - Reg. No. 29,102  
RABIN & BERDO, PC  
Telephone: 202-371-8976  
Facsimile: 202-408-0924  
Customer No. 23995

August 26, 2003  
Date

SMR:pjl

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,092	06/27/2001	Kazutaka Shibata	ROH-037	1091

AUG 26 2003

7590 08/19/2003

Mr. Steven M. Rabin  
c/o RABIN & BERDO, P.C.  
1101 14th Street, NW  
Suite 500  
Washington, DC 20005

R E C E I V E D

AUG 20 2003

Doctored By [initials] BY: .....  
DKT. No A 26AHP  
Due Date 9/19/03

EXAMINER

SONG, MATTHEW J

ART UNIT

PAPER NUMBER

1765

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
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O I P E J C I  
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C A N C E L L E D  
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P A T E N T & T R A D E M A R K O F F I C E

Paper No.

P A T E N T &amp; T R A D E M A R K O F F I C E

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8-7-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

## THE FOLLOWING CHECKED (X) ELEMENT(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:  
 A. Amended paragraph(s) do not include markings.  
 B. New paragraph(s) should not be underlined.  
 C. Other \_\_\_\_\_
2. Abstract:  
 A. Not presented on a separate sheet. 37 CFR 1.72.  
 B. Other \_\_\_\_\_
3. Amendments to the drawings: *"Annotated" or "Replacement" needs to be noted on the top-center of the drawing page*
4. Amendments to the claims:  
 A. A complete listing of all of the claims is not present.  
 B. The listing of claims does not include the text of all claims (incl. withdrawn claims)  
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.  
 D. The claims of this amendment paper have not been presented in ascending numerical order.  
 E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognitice/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*Veronica Avburn (703) 3082934*  
Legal Instruments Examiner (LIE)

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Alexandria, VA 22313-1450

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August 6, 2003

Sir:

In response to the Examiner's Action dated May 12, 2003, applicant hereby submits one sheet of corrected formal drawings, FIGs. 19 and 20. The formal drawings incorporate the designation of "Prior Art" required by the Examiner on page 2 of the Action.

Respectfully submitted,

Steven M. Rabin - Reg. No. 29,102  
RABIN & BERDO, PC  
Telephone: 202-371-8976  
Facsimile: 202-408-0924  
Customer No. 23995

August 6, 2003  
Date

SMR:pjl

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